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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 005161

SIPDIS

E.O. 12958: DECL: 12/30/2015

TAGS: [PGOV](#) [PHUM](#) [IZ](#)

SUBJECT: ELECTION COMMISSION PROCEEDING WITH COMPLAINTS

REF: BAGHDAD 05131

Classified By: POL COUNS Robert Ford, reason 1.4 (b) and (d)

1. (C) SUMMARY: Less than 25 serious, unresolved complaints ("red" complaints) lie between the Iraqi election commission (IECI) and final certification of the elections, according to International Commissioner Craig Jenness, down from 50 plus original red complaints. Notably, the IECI has finished resolving Baghdad complaints, disqualifying controversial ballot boxes. It is now going to work on complaints from cities like Baqubah, Mosul and Kirkuk. Meanwhile, additional International Mission for Iraqi Elections (IMIE) representatives are gearing up to arrive in the upcoming days to prepare a follow-on assessment on these complaints, as well as on the post-election audits and political party participation. The political groups making complaining loudest about the election process, including Ayad Allawi's Patriotic List and the Sunni Arab Tawaffuq Front, issued statements late December 29 welcoming the additional international monitor presence. By contrast, the election commission's board worries that public credibility of the elections will rest with IMIE's final report instead of the election commission's determination of final results. Our sources tell us that regardless of the IMIE's timeline, the commissioners plan to announce their results when they are ready. The election commission may finish with the "red" complaints sooner than IMIE finalizes its expanded report. If that happens, we could see new unhappiness among the Iraqi parties that demanded a stepped-up international mission to review the election process in the first place. End Summary.

IECI FAST-TRACKING RED COMPLAINTS

12. (C) UN staff member and complaints officer Anan Sorri told Poloff December 29 that the serious ("red") complaints from observers about the December 15 election could be resolved as early as January 2. (However, Sorri acknowledged that it may be too early to say whether the remaining serious complaints will need follow-on investigations.) Jose Aranaz, UN/IECI legal advisor, told Poloff that the Board so far has moved quickly in making final decisions on the red complaints. As an example, Aranaz pointed out that the Board decided 19 complaints cases on December 29 alone, primarily relating to Baghdad. Sorri mentioned that the ballots boxes and tally sheets needed for the IECI to complete its investigations were already in the IECI headquarters, making the fast process on many complaints easier.

13. (C) Once red complaints are resolved, Craig Jenness told Poloff December 29, the IECI would be able to announce its final, certified results and seat allocations, officially allocating the directly elected and compensatory seats. Two days after this announcement, the IECI would receive candidate names for the compensatory seats, and would be able to proceed with a final certification of elected deputies' names.

IMIE ON ITS WAY, ?PRESS STATEMENT IN HAND

14. (C) On December 29, IMIE released a press statement indicating that it was adding on to its preliminary election findings by sending a team to produce an assessment of complaint issues, IECI audits, and political entity participation. This team, comprised of about 6 members, will include two Arab league

members (ref). According to IMIE representative Mazen Chouib, this team is scheduled to arrive in Baghdad January 3, and start work the following day.

15. (U) Some of the political parties who complained the most loudly about the election process have issued statements welcoming the arrival of additional international monitors. Ayad Allawi's Patriotic List urged the team to review reports of attacks on campaign workers and armed gangs preventing people from voting, as well as possible tampering with ballot boxes.

Meanwhile, the Tawaffuq Front issued a statement saying that the work of these new international experts should "issue appropriate decisions" that would make the results of the election easier to accept.

BAGHDAD RESOLVED, DIYALA, KIRKUK COMPLAINTS LEFT

16. (C) On December 28 and 29, the Board moved to disqualify more than forty Baghdad ballot boxes, the majority of which were in Sunni-dominated districts of Karkh and Rusafa. According to UN/IECI representatives, none of the votes in these boxes, which had not been included in the preliminary results, would have affected the seat distribution of the election. After reviewing the ballot boxes, the IECI investigation team and the International Election Assistance Team (IEAT) found sufficient evidence to indicate ballot-box stuffing. A large number of votes in the boxes favored List 667 (of Sunni Arab politico Salih Mutlak), while a limited number of boxes favored little-known List 784.

17. (C) Now that red complaints in Baghdad have been addressed, the IECI is focusing on complaints from Diyala, Kirkuk and Ninawa. The Diyala complaints unanimously allege ballot box stuffing in several polling centers. The Kirkuk complaints are varied: some allege that the Turcomen double voted while others allege that the Kurds double-voted. The Ninewa complaints allege that Peshmarga militiamen, as well as other Kurds, were brought in to double vote.

18. (C) The IECI Complaints office has not yet processed the almost 2,000 non-serious complaints. Visibility on what provinces these complaints came from and what type they are will not be available until after the IECI has finished with its red complaints.

COMMENT

19. (C) The Commissioners' greatest fear is that public buy-in and credibility of the elections will rest with IMIE's final report, hence hampering the Commission's ability to smoothly proceed with election certification. Neither the UN team leader nor the election commissioners want the IMIE to issue "decisions," as called for by the Tawaffuq statement. Regardless of IMIE's timeline, the Commission plans to announce their results when they are ready. The Commissioners, who generally are satisfied with the way elections were conducted, are loathe to proceed in any way that would imply that they need outside help to ensure that their elections were credible.

110. (C) According to Aranaz, it is legally possible for an entity to appeal any IECI Board decision (including seat allocation) to the Transitional Electoral Panel, a 3-member panel comprised of Higher Juridical Council Members. This may happen if there is not enough buy-in to the IECI's results. According to Aranaz and Jenness, this has rarely been used in the past, they cited the example of De-Ba'athification. Without IMIE support or visibility during the certification process, the likelihood of this occurring could increase.

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